

SCHWEGMAN, LUNDBERG, WOESSNER &amp; KLUTH, P.A.

# United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **MIXING AND POURING APPARATUS AND VESSEL THEREFOR**.

The specification of which was filed on October 20, 1999 as application serial no. 09/420,965.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(c).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

No such claim for priority is being made at this time.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Adams, Gregory J.	Reg. No. 44,494	Huebach, Joseph C.	Reg. No. 42,673	Nelson, Albin J.	Reg. No. 28,650
Anglin, J. Michael	Reg. No. 24,916	Jurkovich, Patti J.	Reg. No. 44,813	Nielson, Walter W.	Reg. No. 25,539
Blanchi, Timothy E.	Reg. No. 39,610	Kalis, Janal M.	Reg. No. 37,650	Oh, Allen J.	Reg. No. 42,047
Billion, Richard E.	Reg. No. 32,836	Kaufmann, John D.	Reg. No. 24,017	Padya, Danny J.	Reg. No. 35,635
Black, David W.	Reg. No. 42,331	Klima-Silberg, Catherine I.	Reg. No. 40,052	Parkpr, J. Kevin	Reg. No. 33,024
Brennan, Leoniede M.	Reg. No. 35,832	Kluth, Danje J.	Reg. No. 32,146	Peacock, Gregg A.	Reg. No. 45,001
Brennan, Thomas F.	Reg. No. 35,075	Lacy, Rodney L.	Reg. No. 41,136	Pordak, Monique M.	Reg. No. 42,989
Brooks, Edward J., III	Reg. No. 40,925	Leffert, Thomas W.	Reg. No. 40,697	Polglaze, Daniel J.	Reg. No. 39,801
Chu, Dinh C.P.	Reg. No. 41,676	Lemaire, Charles A.	Reg. No. 36,198	Prout, William F.	Reg. No. 33,995
Clark, Barbara J.	Reg. No. 38,107	Lipman, Mark A.	Reg. No. 26,390	Schumm, Sherry W.	Reg. No. 39,422
Dahl, John M.	Reg. No. 44,639	Lundberg, Steven W.	Reg. No. 30,568	Schwogman, Michael L.	Reg. No. 25,816
Drake, Eduardo E.	Reg. No. 40,594	Mack, Lisa K.	Reg. No. 42,825	Slifer, Russell D.	Reg. No. 39,838
Eliseeva, Maria M.	Reg. No. 43,328	Maki, Peter C.	Reg. No. 42,832	Smith, Michael G.	Reg. No. P-45,368
Embroton, Janet E.	Reg. No. 39,665	Malen, Peter L.	Reg. No. 44,894	Steffoy, Charles E.	Reg. No. 25,179
Fogg, David N.	Reg. No. 35,138	Mates, Robert E.	Reg. No. 35,271	Terry, Kathleen R.	Reg. No. 31,884
Fordenbacher, Paul J.	Reg. No. 42,546	McCrackin, Ann M.	Reg. No. 42,858	Viksnins, Ago S.	Reg. No. 37,748
Forrest, Bradley A.	Reg. No. 30,837	Nama, Kash	Reg. No. 44,255	Woessner, Warren D	Reg. No. 30,440
Harris, Robert J.	Reg. No. 37,346				

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwogman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwogman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : Ellen M. Heath

Citizenship: United States of America

Residence: Minnetonka, MN

Post Office Address: 1705 Oakland Road

Minnetonka, MN 55305

Signature: Ellen M. Heath

Ellen M. Heath

Date: 12/29/99

Full Name of joint inventor number 2 : Ruth Shuman

Citizenship: United States of America

Residence: Minnetonka, MN

Post Office Address: 5016 Westmill Road

Minnetonka, MN 55345

Signature: Ruth Shuman

Ruth Shuman

Date: 1/12/00

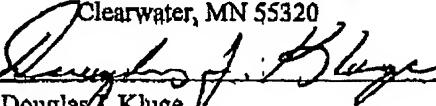
X Additional inventors are being named on separately numbered sheets, attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 3 : Douglas J. Kluge

Citizenship: United States of America  
Post Office Address: 13833 County Road 7 NW  
Clearwater, MN 55320

Residence: Clearwater, MN

Signature: 

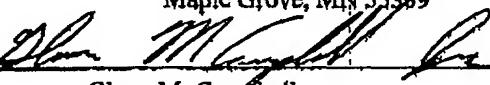
Date: 12-29-99

Douglas J. Kluge

Full Name of joint inventor number 4 : Glenn M. Campbell

Citizenship: United States of America  
Post Office Address: 11991 Red Fox Drive  
Maple Grove, MN 55369

Residence: Maple Grove, MN

Signature: 

Date: 12/29/99

Glenn M. Campbell

Full Name of inventor:

Citizenship:

Post Office Address:

Residence:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full Name of inventor:

Citizenship:

Post Office Address:

Residence:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Heath ) Examiner: Gordon, B.  
Serial No.: 09/420,965 )  
Filed: October 20, 1999 ) Group Art Unit: 1743  
Docket: 101.010US01

For: MIXING AND POURING APPARATUS AND VESSEL THEREFOR

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**REVOCATION, POWER OF ATTORNEY AND  
CERTIFICATE UNDER 37 C.F.R. §3.73(b)**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Please revoke any existing Power of Attorney, if any, and appoint the following attorneys and/or patent agents to prosecute this application and to transact all business in the U.S. Patent and Trademark Office in connection therewith:

Fogg, David N.	Reg. No. 35,138
Slifer, Russell D.	Reg. No. 39,838
Polglaze, Daniel J.	Reg. No. 39,801
Leffert, Thomas W.	Reg. No. 40,697
Lundberg, Scott V.	Reg. No. 41,958
Murum, Tod A.	Reg. No. 42,922
Walseth, Andrew C.	Reg. No. 43,234
Kelly, Mark D.	Reg. No. 39,467

Please send correspondence to the following address:  
Attn: Daniel J. Polglaze  
Fogg Slifer & Polglaze, P.A.  
P.O. Box 581009  
Minneapolis, MN 55458-1009

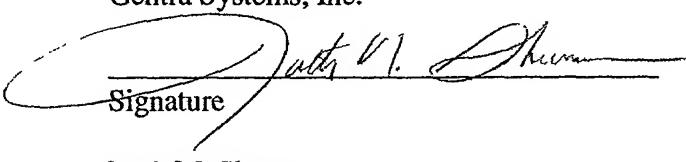
Gentra Systems, Inc., a corporation organized and existing under and by virtue of the laws of the State of Minnesota, and having an office and place of business at 13355 10<sup>th</sup> Avenue North, Suite 120, Minneapolis, MN 55441, certifies that it is the assignee of the entire right, title, and interest in the patent application identified above by virtue of an assignment from the inventors, for which a copy thereof is attached. I have reviewed all the documents in the chain of title of the patent application identified above and, to the best of my knowledge and belief, title is in the assignee identified above.

I am empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1/26/01  
Date

Gentra Systems, Inc.

  
Signature

Ruth M. Shuman

Typed or Printed Name

President and Chief Executive Officer

Title

# **SMALL BUSINESS**

## **VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 C.F.R. 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- a)  the owner of the small business concern identified below:
- b)  an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Gentra Systems, Inc.  
ADDRESS OF CONCERN: 13355 10th Avenue North  
Suite 120  
Minneapolis, MN 55441

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.3-18, and reproduced in 37 C.F.R. 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled MIXING AND POURING APPARATUS AND VESSEL THEROR by inventors Ellen M. Heath, Ruth Shuman, Douglas J. Kluge and Glenn M. Campbell described in application serial no. 09/420,965 filed October 20, 1999.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. 1.9(c) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

a)  INDIVIDUAL

b)  SMALL BUSINESS CONCERN

c)  NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereof, or any patent to which this verified statement is directed.

NAME Ruth M. Shuman

TITLE President and CEO

ADDRESS 13355 10th Ave. N. Suite 120

SIGNATURE Ruth M. Shuman DATE 1/12/00